

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 ) CASE NO. CR05-023-JLR  
Plaintiff, )  
 )  
v. ) SUMMARY REPORT OF U.S.  
 ) MAGISTRATE JUDGE AS TO  
RICHARD JACK HIBBS, ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE  
Defendant. )  
\_\_\_\_\_ )

An initial hearing on supervised release revocation in this case was scheduled before me on February 20, 2013. The United States was represented by AUSA and the defendant by. The proceedings were digitally recorded.

Defendant had been sentenced on or about August 8, 2005 by the Honorable James L. Robart on a charge of Conspiracy to Distribute Methamphetamine, and sentenced to 60 months custody, 5 years supervised release.

The conditions of supervised release included the standard conditions plus the requirements that defendant cooperate in the collection of DNA, be prohibited from possessing a firearm or dangerous weapon, submit to drug testing, participate in a substance abuse

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

01 program, abstain from alcohol, submit to search, participate in a mental health program, and  
02 provide access to financial information as requested. (Dkt. 23.)

03 On December 11, 2009, defendant admitted violating the conditions of supervised  
04 release by using amphetamine, failing to report for urinalysis testing, and possessing drug  
05 paraphernalia. (Dkt. 32.) Defendant was sentenced to credit for time served (9 days), 57 months  
06 supervised release. (Dkt. 35.)

07 On April 20, 2010, defendant admitted violating the conditions of supervised release by  
08 using methamphetamine and failing to report for drug testing. (Dkt. 45.) The defendant was  
09 continued on supervised release and no further action was taken at the time. (Dkt. 48.)

10 On September 22, 2011, defendant's probation officer reported that he tested positive  
11 for using methamphetamine and alcohol. Defendant was reprimanded, placed in a structured  
12 testing program and a community based residential program. No further action was taken at  
13 the time. (Dkt. 49.)

14 On September 9, 2012, defendant's probation officer reported that defendant violated  
15 the conditions of supervised release by using methamphetamine. (Dkt. 50, 51.) Defendant  
16 admitted the violation on September 27, 2012. (Dkt. 52.) Defendant entered and completed a  
17 28 day inpatient treatment program (Dkt. 62 at 2) and no further action was taken. Defendant  
18 remained on supervised release. (Dkt. 59.)

19 In an application dated (Dkt. 61, 62), U.S. Probation Officer Angela M. McGlynn  
20 alleged the following violations of the conditions of supervised release:

21 1. Using amphetamines on or before February 6, 2013, in violation of standard  
22 condition No. 7.

01 2. Failing to report for urinalysis testing on or about January 7, 8, 24, and 25, and  
02 February 5, 13, and 14, 2013, in violation of the special condition that requires the defendant to  
03 report for urinalysis testing as directed.

04 Defendant was advised in full as to those charges and as to his constitutional rights.

05 Defendant admitted the violations and waived any evidentiary hearing as to whether  
06 they occurred.

07 I therefore recommend the Court find defendant violated his supervised release as  
08 alleged in violations, and that the Court conduct a hearing limited to the issue of disposition.  
09 The next hearing will be set before Judge Robart.

10 Pending a final determination by the Court, defendant has been detained.

11 DATED this 20th day of February, 2013.

12 

13 Mary Alice Theiler  
14 United States Magistrate Judge

15  
16  
17 cc: District Judge: Honorable James L. Robart  
18 AUSA: Bruce Miyake  
19 Defendant's attorney: Brent Hart  
20 Probation officer: Angela M. McGlynn  
21  
22